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MAY 17 1984

Mr. Sam McWilliams
Plant Manager
Edwin Cooper, Inc.
Sauget, Illinois 62201

Dear Mr. McWilliams:

As a result of contamination of portions of your plant site with 2,3,7,8-TCDD dioxin, the U.S. Environmental Protection Agency is issuing the enclosed Administrative Order. This order is issued pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and the Resource Conservation and Recovery Act. This order requires Edwin Cooper to take certain actions with respect to dioxin contamination at the facility. Please refer to the enclosed order for the specific actions required to be taken and the time within which such actions must be taken.

Very truly yours,

/s/ Original signed by
ROBERT SPRINGER

Valdas V. Adamkus
Regional Administrator

Enclosure

cc: David Bach, Esquire
Assistant Counsel
Ethyl Corporation
Ethyl Tower
451 Florida
Baton Rouge, Louisiana 70901

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 South Dearborn Street
Chicago, Illinois 60604

IN THE MATTER OF:

EDWIN COOPER, INC.

Proceeding under Section 106(a)
of the Comprehensive Environmental
Response, Compensation and Liability
Act of 1980, 42 U.S.C. § 9606(6) and
under Section 3013 of the Resource
Conservation and Recovery Act,
42 U.S.C. § 6934.

ADMINISTRATIVE ORDER

DOCKET NO.

V-6-84-007

ORDER

This Order is issued to Edwin Cooper, Inc. pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9606(6), and delegated to the U.S. Environmental Protection Agency (EPA) by Executive Order No. 12316, April 26, 1981, 46 Federal Register 42237, and redelegated to the Regional Administrator by Delegation 14-14 issued April 1, 1983, and pursuant to the authority vested in the Administrator of the EPA by Section 3013 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6934 and delegated to the Regional Administrator by Delegation 8-20 issued March 31, 1983. Notice of issuance of this Order has been given to the State of Illinois.

DETERMINATIONS AND FINDINGS

1. Edwin Cooper, Inc. is, and since approximately 1971 has been, the owner of a site located in Sauget, Illinois, where hazardous substances have been deposited, stored, disposed of, placed or located. Said site constitutes a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9201(9) and shall hereinafter be referred to as the "facility."

2. On information and belief, prior to 1971, the facility had been owned and operated by Monsanto, Inc., inter alia, for the manufacture of a herbicide, commonly known as Agent Orange, produced by mixing the esters of 2,4-dichlorophenoxyacetic acid (2,4-D) and 2,4,5-trichlorophenoxyacetic acid (2,4,5-T).

3. Surficial soil samples were collected by Edwin Cooper during November and December of 1983 at various locations on site. Sixteen out of a total of twenty-one soil samples taken revealed the presence of 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) above detection limits.

4. 2,3,7,8-TCDD is an extremely toxic synthetic chemical, known to be associated with the manufacture of herbicides formulated with 2,4-D and 2,4,5-T. Because of the remarkable stability of 2,3,7,8-TCDD in biological systems and because of its extreme toxicity, cumulative effects of even extremely small doses present major concern. Even small traces of 2,3,7,8-TCDD in the environment may have adverse effects on health. The Center For Disease Control has determined that

because of the presence of 2,3,7,8-TCDD, portions of the facility present a potential imminent and substantial danger to employees of Edwin Cooper and to the public's health.

5. Edwin Cooper has heretofore commenced construction at the facility which has resulted, inter alia, in the following conditions at the site:

- a) uncovered, piled earth in and around a concrete depression in the vicinity of a warehouse building designated as "NP", which area shall hereinafter be referred to as "Area A," and is more specifically described in the map attached hereto as Exhibit A.
- b) an open trench extending from the end of Track 21 in the area adjacent to the warehouse building designated as "NP," which area shall hereinafter be referred to as "Area B" and is more specifically described in the the map attached hereto as Exhibit A.
- c) a large area of uncovered, piled earth located in the northwestern portion of the site, which area shall hereinafter be referred to as "Area C" and is more specifically described in the map attached hereto as Exhibit A.

6. The surficial soil samples referred to in Paragraph 3, above, revealed the presence of 2,3,7,8-TCDD in Area A at levels ranging to 100 parts per billion (ppb) and Area B at levels ranging to 5 ppb. The piled earth in Area C contains soil removed from Area B and is also believed to contain detectable amounts of 2,3,7,8-TCDD. Further, surficial soil samples in the area designated as "Area D" in the map attached hereto as Exhibit A revealed the presence of 2,3,7,8-TCDD at a level of 110 ppb in soil currently covered by a layer of crushed rock.

7. There are private residences beyond the facility to the north. Approximately seventeen of these residences are within 1000 feet of the facility.

8. On or about February 23 and February 24, 1984, representatives of the U.S. Environmental Protection Agency (EPA) conducted an inspection of the facility. At the time of the inspection, the following were observed at the facility.

- a) the piled earth in Area A and Area C continued to be uncovered;
- b) workers without protective gear were working in and around Area A;
- c) a backhoe was observed working in the piled earth in Area A and was later observed departing from said area without first being decontaminated.

9. Respondent has indicated that its present construction plans include the following: further excavation in the area of Track 21; backfilling the concrete depression in Area A with soil removed in the course of its excavations; filling and covering the trench in Area B; and asphaltting portions of Areas A and B as well as other locations at the facility. Respondent's proposed construction is described in a document, dated March 1, 1984, entitled "Description of Remaining Construction Work in the Unit 268 Construction Site (Project N-071) Edwin Cooper, Inc., Sauget Plant" heretofore submitted to EPA and attached hereto as Exhibit B. The area of proposed construction shall hereinafter be referred to as the "Track 21 area."

10. There may be an imminent and substantial endangerment to the public health or welfare or environment from an actual or threatened release of hazardous substances from the facility as follows:

- a) risk of wind-blown and rain runoff transmission of 2,3,7,8-TCDD-laden soil from areas of piled soil on site and from those areas which have recently been excavated or are expected to be excavated.
- b) risk of transmission of 2,3,7,8-TCDD-laden soil due to soil disturbance in the course of further excavation and/or construction at the facility;
- c) risk of further migration of 2,3,7,8-TCDD.

11. Based on the foregoing Findings, the Regional Administrator has determined that there may be a substantial hazard to human health or the environment as a result of the presence of a hazardous waste at the facility. The Regional Administrator has further determined that there may be imminent and substantial endangerment to the public health or welfare or the environment due to a release or threat of release of hazardous substances at the facility.

ORDER

12. Based on the foregoing Determination and Findings and pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(6) and Section 3013 of RCRA, 42 U.S.C. § 6934, it is hereby ORDERED that the Respondent shall take the following actions:

A. Within three days from the effective date of this Order, the piled earth in Area C shall be covered with a tarp or other material sufficient to prevent transmission or erosion

[Handwritten signature]

of the soil by wind or rain. Said covering shall be of high-quality, shall be undamaged and without tears, and shall be secured in such a manner as to ensure its effectiveness in adverse weather conditions (e.g. periods of high wind, heavy rainfall, and other similar anticipated weather conditions).

B. Within three days from the effective date of this Order, Respondent shall remove the piled earth in Area A, place it in bulk containers, and store it in a secure manner. Said bulk containers shall be structurally sound, shall be adequately lined and shall be secured with a close-fitting lid or top. In implementing this requirement, Respondent shall employ adequate dust control and health and safety measures under the oversight of U.S. EPA. In the event that Respondent elects to proceed with construction in the Track 21 area as set forth in Subparagraph E of this Paragraph 12, Respondent shall be deemed to have complied with this Subparagraph B by covering the contaminated soil in Area A in a manner similar to that provided in subparagraph 12 A, above, and submitting a plan for the securing of piled earth in Area A in accordance with Subparagraph E(ii), within three days from the effective date of this Order, and implementing said plan as approved by EPA.

C. Within thirty (30) days from the effective date of this Order, Respondent shall develop and submit to U.S. EPA, a proposal for further investigation and definition of the 2,3,7,8-TCDD contamination at the facility. Said proposal shall contain at least the following tasks:

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- i) a sampling plan for determining the lateral and vertical extent of 2,3,7,8-TCDD in the soil within the facility and outside the facility (including the extent of contamination in the piled earth in Areas A, B, and C);
 - ii) in the event that the vertical extent of 2,3,7,8-TCDD contamination exceeds at any point the highest seasonal water level underlying the facility (as determined by the U.S. Geological Survey or other similar authority), the proposal shall include a geological and hydrological study and a sampling plan for determining the extent, if any, of 2,3,7,8-TCDD contamination in the groundwater as a result of a release from the facility;
 - iii) a plan for identifying and locating sewer lines, buried pipe, and equipment which may be contaminated with 2,3,7,8-TCDD and ascertaining the extent of such contamination.
 - iv) a study of the topographic conditions at the facility which may affect the transmission of 2,3,7,8-TCDD through surface water runoff or otherwise.
 - v) a study of the history of the facility which will identify areas of Agent Orange formulation and other likely areas of 2,3,7,8-TCDD contamination.
 - vi) the plan shall be accompanied by a detailed work plan, safety plan and quality assurance/quality control plan for implementation of the tasks set forth above.

D. Respondent shall have the opportunity to confer with EPA regarding the proposal submitted pursuant to Subparagraph C, above. Any such conference shall be requested at the time such proposal is submitted, and said conference shall occur within thirty (30) days of the date said proposal is

submitted. EPA may approve the proposal with such modifications and/or additions as it shall deem appropriate. Within ten days of receipt of such approval, Respondent shall implement the tasks set forth in said proposal together with all written modifications or additions by EPA. Said proposal and written modifications and/or additions shall be deemed a part of this Order and shall be binding upon Respondent.

E. Unless otherwise agreed to in writing by representatives of U.S. EPA, Respondent shall cease any activities, including further construction at the facility, which would disturb the soil or piled earth at the facility. Notwithstanding the first sentence of this Subparagraph E, Respondent may, at its option, complete proposed construction at the facility in accordance with the document dated March 1, 1984 entitled "Description of Remaining Construction Work in the Unit 268 Construction Site (Project N-071) Edwin Cooper, Inc., Sauget Plant," attached hereto as Exhibit B, provided that:

- i) Prior to commencement of such construction, Respondent shall conduct further soil sampling in all areas which are to be covered with asphalt or concrete or other artificial covering pursuant to a soil sampling plan which shall be subject to prior approval of EPA.
- ii) No excavated 2,3,7,8-TCDD contaminated soil shall be placed in the "old dike area" as described in Exhibit B except in accordance with a plan to be subject to

prior approval of EPA. No excavated 2,3,7,8-TCDD contaminated material shall be disposed of at the site unless Respondent first complies with all applicable federal or state law and regulations, including, but not limited to 40 CFR Part 775 or any superseding regulation.

iii) All construction shall be done only in accordance with a dust control plan which shall be subject to prior approval of EPA.

iv) All construction shall be done only in accordance with a health and safety plan which shall be subject to prior approval of EPA.

v) In the event Respondent elects to proceed with construction on the terms herein contained, such election shall be deemed an interim measure only. Nothing herein shall prevent EPA from requiring Respondent to take further measures in the Track 21 area in accordance with applicable law and regulations (including, inter alia, removal of asphalt or other artificial covering) upon completion of further investigation at the facility.

13. Respondents shall provide access to the facility to EPA employees, contractors and consultants at reasonable times, and shall permit such persons to be present and move freely in the area in order to conduct inspections, take samples, and to conduct other activities which EPA determines to be necessary to assure implementation of this Order.

14. The provisions of this Order shall be binding on employees, agents, successors, and assigns of the parties.

15. Nothing contained in this Order shall affect any right, claim, or cause of action of any party hereto with respect to third parties.

16. Nothing contained herein shall be construed to prevent EPA from seeking legal or equitable relief to enforce the terms of this Order or from taking other legal or equitable action as it deems appropriate and necessary, or from requiring Respondent in the future to perform additional activities pursuant to CERCLA, 42 U.S.C. § 9601, et seq., or any other applicable law.

17. All proposals or plans to be submitted to EPA pursuant to this Order shall be directed to Dan Hopkins, On-Scene Coordinator at the following address:

Director, Waste Management Division
U.S. EPA, Region V
230 S. Dearborn Street
Chicago, Illinois 60604
Attn: Dan Hopkins,
Remedial Response Branch (5HR-13)

18. This Order shall be effective eight (8) days after receipt except for the provisions of Paragraph 12 E which shall be effective upon receipt of this Order.

OPPORTUNITY FOR CONFERENCE AND WRITTEN COMMENTS

With respect to the actions required above, you may within three (3) days after receipt of this Order, request a

conference with U.S. EPA to discuss this Order and its applicability to you. Any such conference shall be held within four (4) days from the date of request. At any conference held pursuant to your request, you may appear in person and by an attorney or other representatives for the purpose of presenting objections, defenses or contentions which you may have regarding this Order. Any comments which you may have regarding this Order, its applicability to you, the correctness of any factual determinations upon which the Order is based, the appropriateness of any action which you are ordered to take, or any other relevant and material issue must be reduced to writing and submitted to U.S. EPA at the time of the conference, or if no conference is requested, within seven (7) days following the receipt of this Order. You may also review the administrative record on which this Order is based at any reasonable time at the Office of Regional Counsel, U.S. EPA, 16th Floor, 230 South Dearborn Street, Chicago, Illinois 60604. Written comments or a request to review the administrative record should be addressed to Thomas W. Daggett, Assistant Regional Counsel, U.S. EPA, Region V at the above address. Mr. Daggett may be reached at (312) 353-2094.

You are hereby placed on notice that U.S. EPA will take any action which may be necessary in the opinion of U.S. EPA for the protection of public health and welfare and the environment, and Respondent may be liable under Section 107(a) of CERCLA, 42 U.S.C. 9607(a), for the costs of those government actions.

PENALTIES

Respondent is advised that willful violation or subsequent failure or refusal to comply with this Order or any portion thereof may subject Respondent to a civil penalty of not more than \$5,000 for each day in which such violation occurs or such failure to comply continues pursuant to Section 106(b) of CERCLA, 42 U.S.C. 9696(b) and pursuant to Section 3013 of RCRA, 42 U.S.C. § 6934. Failure to comply with this Order or any portion thereof without sufficient cause may also subject Respondent to liability for punitive damages in an amount three times the amount of any cost incurred by the government as a result of Respondent's failure to take proper action, pursuant to Section 107(c)(3), 42 U.S.C. 9607(c)(3).

WITNESS my hand in the City of
Chicago, State of Illinois, as
Regional Administrator on
this 17 day of May, 1984

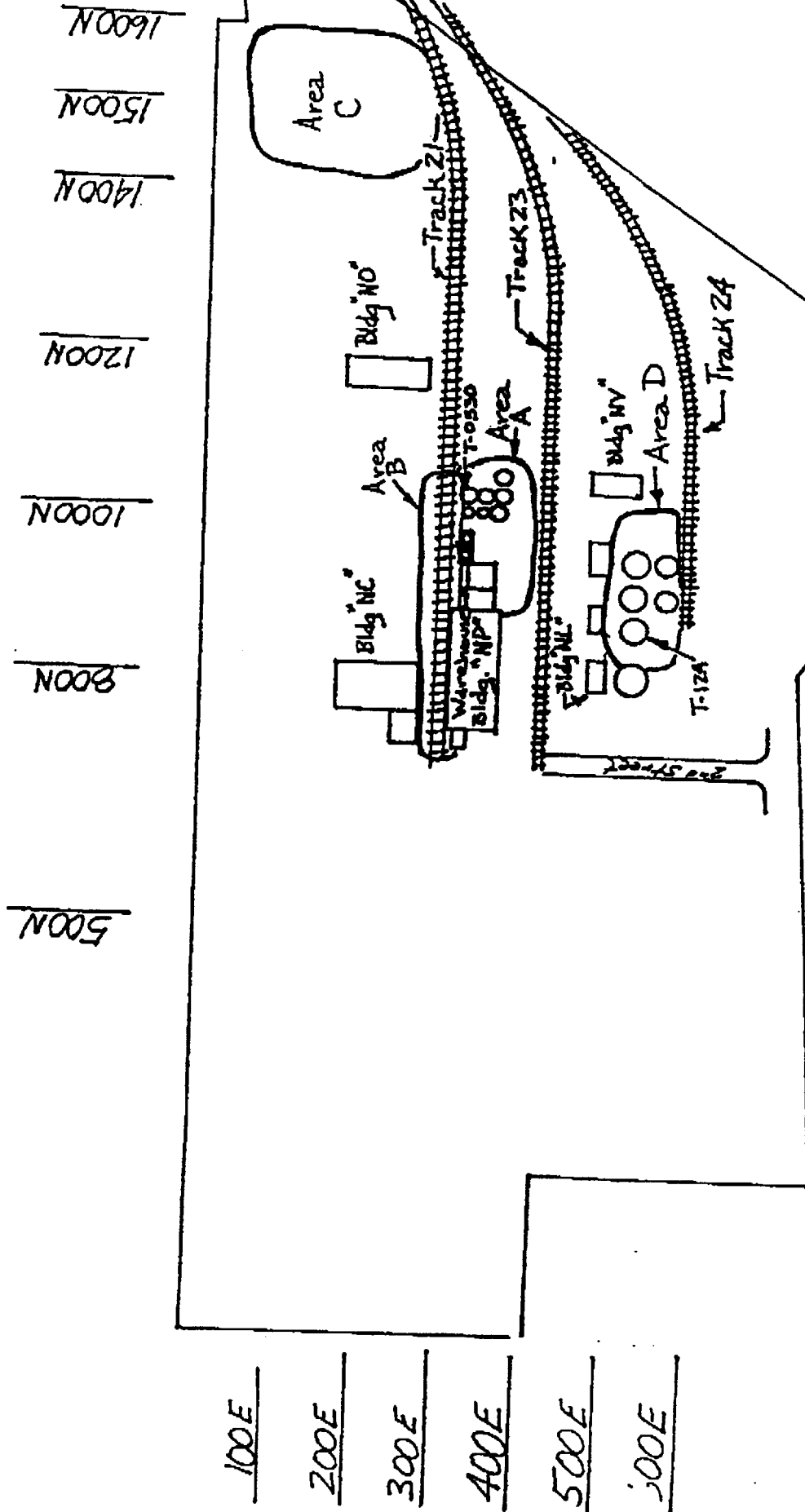
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

By: Robert Springer
Valdas V. Adamkus
Regional Administrator

EDWIN COOPER

Sauget, Illinois Site

True North →



3/1/84

DESCRIPTION OF REMAINING CONSTRUCTION WORK

IN THE UNIT 268 CONSTRUCTION SITE (PROJECT N-071)

EDWIN COOPER, INC., SAUGET PLANT

Refer to drawing D-24289, a copy of which has been marked and attached, for details pertaining to the following description of the remaining work necessary to complete the Unit 268 construction site (project N-071).

Beginning at the top of the drawing, track 21 will be filled with ballast (crushed rock) to level it, then the remaining new rail ties and rails will be installed. Some excavation work is necessary at the north end of the track and soil which has been dug up from the track and piled adjacent to it must be removed. This soil and in the case of all additional excavation pertaining to this project will be used as fill for the old dike area (i.e. tanks 900-905). The southern section of the track will be bordered on both sides by a concrete swale (purple) and the east side of track 21 will be replaced with asphalt (green). The area to the west of track 21 is either already covered by concrete or will be covered with asphalt. The northern section of the track will be covered with a fiberglass track pan (yellow). The trench running along the east side of the track is already complete.

The area between track 21 and the tanks, from the north end of building NP to the west side of tank T530 will be covered with 6 inches of concrete (purple). Most of this area has already been excavated; however, some excavation work remains to be done, especially to relocate the 12-inch sewer line near building NP (red-dashed line). Again all excavated soil will be used as fill for the old dike area.

Tanks T900 through T905 were formerly in a concrete-depressed dike (green). The tanks have been removed and the depressed dike will be filled with excavated soil, compacted and covered with 3 inches of asphalt. Tanks will be installed approximately 3 feet above the surface of the asphalt making it possible to remove the fill dirt at a later time, if necessary, with a minimum of effort. The tanks will then be placed on the concrete foundation and piping will be installed. The tank setting and piping installation will be done after the site has been sealed.

EXHIBIT B

2178 7101

DESCRIPTION OF REMAINING CONSTRUCTION WORK Page 2
IN THE UNIT 268 CONSTRUCTION SITE (PROJECT N-071) 3/1/84
EDWIN COOPER, INC., SAUGET PLANT

The trench located south of tanks T308, T404 and T313 has already been constructed. The area south of the trench will be backfilled with rock and paved with 3 inches of asphalt (green). The portion north of the trench will be covered with 6 inches of concrete, including the area just east of tank T313 (purple).

The ground between "G" Street and the tanks and proposed Third Street will be covered with 3 to 4 inches of asphalt (green). The area east of Unit 268 itself is already paved with concrete (orange).

Further east, along track 23, the area east of the track up to the road will be covered with 3 to 4 inches of asphalt from approximately 875N to 1040 N (purple). Sloping will be such that drainage will be directed to the two existing drains. No excavation work is planned in this area.

The track itself will be covered with a fiberglass track pan from about 850N to 1060 N (yellow). This phase of the construction will be done only if it can be completed without excavation.

Upon completion of the civil work and sealing of the site, above-ground piping and electrical work will be performed around all of the tanks and along track 23.